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Steptoe & Johnson LLP  
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MAY 19 2010

OFFICE OF PETITIONS

In re Patent No. 7,521,258  
Friedman et al.  
Issue Date: April 21, 2009  
Application No. 10/780,295  
Filed: Feb. 17, 2004  
Attorney Docket No.  
16454.00002D2  
Title: Methods of Detecting,  
Measuring, and Evaluating  
Modulators of Body Weight in  
Biological Samples and  
Diagnostic, Monitoring, and  
Therapeutic Uses Thereof

: DECISION UPON REMAND AND  
: RECONSIDERATION OF  
: PATENT TERM ADJUSTMENT  
: AND NOTICE OF INTENT  
: TO ISSUE CERTIFICATE OF  
: CORRECTION

:

This is a decision following remand from the District Court for the District of Columbia regarding the patent term adjustment indicated on the above-identified patent. The Court remanded this matter to the U.S. Patent and Trademark Office for recalculation of the patent term adjustment in accordance with the decision in Wyeth & Elan Pharma Int'l Ltd. v. Kappos, 591 F.3d 1364 (Fed. Cir. 2010).

The patent term adjustment indicated on the above-identified patent has been recalculated as directed by the Court. The term of the above-identified patent is extended or adjusted by five hundred eighty-four (584) days.

The application is being forwarded to the Certificates Branch for issuance of a certificate of correction indicating that the term of the above-identified patent is extended or adjusted by five hundred eighty-four (584) days.

Telephone inquiries specific to this matter should be directed to Senior Legal Advisor, Kery A. Fries at (571) 272-7757.

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/Kery A. Fries/

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Kery A. Fries  
Senior Legal Advisor Attorney  
Office of Patent Legal Administration  
Office of Associate Commissioner  
For Patent Examination Policy

Enclosure: Copy of DRAFT Certificate of Correction

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Day : Tuesday  
Date: 5/18/2010

Time: 12:18:04

**PALM INTRANET****PTA Calculations for Application: 10/780295**

Application Filing Date:	02/17/2004	PTO Delay (PTO):	441
Issue Date of Patent:	04/21/2009	Three Years:	0
Pre-Issue Petitions:	0	Applicant Delay (APPL):	111
Post-Issue Petitions:	0	Total PTA (days):	584
PTO Delay Adjustment:	254		

**File Contents History**

Number	Date	Contents Description	PTO	APPL	START
80	05/18/2010	ADJUSTMENT OF PTA CALCULATION BY PTO	254		
74.5	04/01/2009	PTA 36 MONTHS			
74	04/21/2009	PATENT ISSUE DATE USED IN PTA CALCULATION			
73	03/20/2009	EXPORT TO FINAL DATA CAPTURE			
72	03/19/2009	DISPATCH TO FDC			
71	03/16/2009	MAIL-PETITION DECISION - DISMISSED			
70	03/16/2009	PETITION DECISION - DISMISSED			
69	01/07/2009	PETITION ENTERED			
68	01/13/2009	APPLICATION IS CONSIDERED READY FOR ISSUE			
67	01/07/2009	ISSUE FEE PAYMENT VERIFIED			
66	01/07/2009	ISSUE FEE PAYMENT RECEIVED			
65	11/18/2008	FINISHED INITIAL DATA CAPTURE			
64	10/24/2008	SEQUENCE FORWARDED TO PUBS ON TAPE			
63	10/13/2008	EXPORT TO INITIAL DATA CAPTURE			
62	10/08/2008	MAIL NOTICE OF ALLOWANCE	6		53
61	10/01/2008	ISSUE REVISION COMPLETED			
60	10/01/2008	DOCUMENT VERIFICATION			
59	10/01/2008	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
58	10/01/2008	CASE DOCKETED TO EXAMINER IN GAU			
57	10/01/2008	NOTICE OF ALLOWABILITY			
54	07/06/2008	DATE FORWARDED TO EXAMINER			
53	06/02/2008	RESPONSE AFTER NON-FINAL ACTION	22		51
52	06/02/2008	REQUEST FOR EXTENSION OF TIME - GRANTED			

51	02/11/2008	MAIL NON-FINAL REJECTION			
50	02/04/2008	NON-FINAL REJECTION			
45	11/24/2007	DATE FORWARDED TO EXAMINER			
44	10/30/2007	AMENDMENT SUBMITTED/ENTERED WITH FILING OF CPA/RCE			
43	11/24/2007	DATE FORWARDED TO EXAMINER			
42	10/30/2007	REQUEST FOR CONTINUED EXAMINATION (RCE)			
41	11/24/2007	DISPOSAL FOR A RCE / CPA / R129			
40	10/30/2007	WORKFLOW - REQUEST FOR RCE - BEGIN			
39	10/17/2007	CHANGE IN POWER OF ATTORNEY (MAY INCLUDE ASSOCIATE POA)			
38	10/16/2007	CORRESPONDENCE ADDRESS CHANGE			
37	09/19/2007	MAIL FINAL REJECTION (PTOL - 326)			
36	09/17/2007	FINAL REJECTION			
35	07/05/2007	OATH OR DECLARATION FILED (INCLUDING SUPPLEMENTAL)			
34	07/13/2007	DATE FORWARDED TO EXAMINER			
33	07/05/2007	RESPONSE AFTER NON-FINAL ACTION		86	31
32	07/05/2007	REQUEST FOR EXTENSION OF TIME - GRANTED			
31	01/10/2007	MAIL NON-FINAL REJECTION			
30	01/08/2007	NON-FINAL REJECTION			
29	02/17/2004	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
28	10/05/2006	DATE FORWARDED TO EXAMINER			
27	09/29/2006	RESPONSE TO ELECTION / RESTRICTION FILED		3	25
26	09/29/2006	REQUEST FOR EXTENSION OF TIME - GRANTED			
25	06/26/2006	MAIL RESTRICTION REQUIREMENT	435		-1
24	06/23/2006	REQUIREMENT FOR RESTRICTION / ELECTION			
23	11/02/2004	IFW TSS PROCESSING BY TECH CENTER COMPLETE			
22	11/02/2004	CASE DOCKETED TO EXAMINER IN GAU			
21	02/17/2004	REFERENCE CAPTURE ON IDS			
20.7	02/17/2004	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
20	02/17/2004	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
19	07/21/2004	APPLICATION RETURN FROM OIPE			

18	07/21/2004	APPLICATION RETURN TO OIPE		
17	07/21/2004	APPLICATION DISPATCHED FROM OIPE		
16	07/21/2004	APPLICATION IS NOW COMPLETE		
15	06/25/2004	PAYMENT OF ADDITIONAL FILING FEE/PREEXAM		
14	02/17/2004	CLAIM PRELIMINARY AMENDMENT		
13	06/25/2004	A STATEMENT BY ONE OR MORE INVENTORS SATISFYING THE REQUIREMENT UNDER 35 USC 115, OATH OF THE APPLIC		
12	06/15/2004	NOTICE MAILED--APPLICATION INCOMPLETE--FILING DATE ASSIGNED		
9	06/02/2004	CRF IS GOOD TECHNICALLY / ENTERED INTO DATABASE		
8	02/17/2004	CRF DISK HAS BEEN RECEIVED BY PREEXAM / GROUP / PCT		
5	03/31/2004	CLEARED BY L&R (LARS)		
4	03/23/2004	REFERRED TO LEVEL 2 (LARS) BY OIPE CSR		
3	03/23/2004	CASE CLASSIFIED BY OIPE		
2	03/05/2004	IFW SCAN & PACR AUTO SECURITY REVIEW		
1	02/17/2004	INITIAL EXAM TEAM NN		

Search Another: Application#

#### EXPLANATION OF PTA CALCULATION

#### EXPLANATION OF PTE CALCULATION

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UNITED STATES PATENT AND TRADEMARK OFFICE  
**CERTIFICATE OF CORRECTION**

PATENT : 7,521,258 B2

DATED : April 21, 2009

DRAFT

INVENTOR(S) : Friedman et al.

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the cover page,

[\*] Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 USC 154(b) by 330 days

Delete the phrase "by 330 days" and insert -- by 584 days--